IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 827 (M/B) 2003

Sita Ram,
S/o Mangat Ram,
R/o Mohalla Mahi Gran,
Roorkee, Haridwar ……Petitioner

Versus

State of Uttaranchal,
Through Collector
Haridwar and others …… Respondents

Mr. Lok Pal Singh, Advocate for the Petitioner.
Mr. K. P. Upadhayaya, learned standing counsel for the State of Uttaranchal
Mr. B.S.Verma, learned counsel for the respondent no. 3.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 23.09.2003:

PC :

Rule,

Respondents waive service.

By consent the writ petition taken up for final hearing.

In this petition, petitioner seeks to challenge the recovery notice issued by the respondent no.3 for the recovery of amount of Rs. 13, 358.75. The Petitioner is in the business of selling meat from shop no. 2 situate at market Mahi Gran, Roorkee, district Haridwar. Respondent no.3 has issued demand notice on August 02, 2002 under section 168 of the Municipalities Act asking the petitioner to deposit Rs.13,047/- on account of licence fee. However, till today no hearing has been given to the petitioner. No reasons have been given by respondent no3 for issuing the recovery certificate. Therefore, we are directing the respondent no.3 to hear the petitioner and thereafter decide the matter in accordance with law within a period of four weeks from the date of the receipt of this order.

The third respondent will decide the representation of the petitioner-dated 17.10.2002. Consequently, the recovery certificate is cancelled. However, this order will not prevent the respondent no.3

from passing appropriate orders afresh after hearing the petitioner and after giving reasons.

The writ petition is disposed of accordingly.

(Rajesh Tandon, J.) **(S.H.Kpadia, C.J.)**

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